

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

THIS PLAN:

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

You should have received from the court a separate Notice of the Hearing on Confirmation of Plan, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

### YOUR RIGHTS MAY BE AFFECTED

THE DEBTOR HAS FILED FOR RELIEF UNDER CHAPTER 13 OF THE BANKRUPTCY CODE.

☐ Original  
☐ Motions Included

☒ Modified/Notice Required  
☐ Modified/No Notice Required

Date:

November 1, 2018

### CHAPTER 13 PLAN AND MOTIONS

Debtor(s)

In Re: David R Borzotta  
 Lisa A Borzotta

Case No. 18-14123  
 Judge: Hon. Papalia

UNITED STATES BANKRUPTCY COURT  
 District of New Jersey

Last revised: September 1, 2018

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.  
 0 Valuation of Security  
 0 Assumption of Executory Contract or Unexpired Lease  
 0 Lien Avoidance

Creditor	Type of Priority	Amount to be Paid
a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:		
<b>Part 3: Priority Claims (Including Administrative Expenses)</b>		
b. Adequate protection payments will be made in the amount of \$ 3,395.73 to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: M&T Bank (creditor).		
a. Adequate protection payments will be made in the amount of \$ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to (creditor).		
<b>Part 2: Adequate Protection</b>		
NONE		

<p>a. The debtor has paid to date \$11,060.00 to the Chapter 13 Trustee and shall pay \$1,180.00 monthly to the Trustee for the remaining 50 months starting on November 1st. All payments are to go first to the Navient student loan after Trustee's and Administrative costs.</p>		<p>b. The debtor shall make plan payments to the Trustee from the following sources:</p> <p><input checked="" type="checkbox"/> Future Earnings</p> <p><input type="checkbox"/> Other sources of funding (describe source, amount and date when funds are available):</p>	
<p>c. Use of real property to satisfy plan obligations:</p> <p><input type="checkbox"/> Sale of real property</p> <p>Description: _____</p> <p>Proposed date for completion: _____</p> <p>Refinance of real property: <input type="checkbox"/></p> <p>Description: _____</p> <p>Proposed date for completion: _____</p> <p>Loan modification with respect to mortgage encumbering property: <input checked="" type="checkbox"/></p> <p>Description: _____</p> <p>Proposed date for completion: _____</p> <p>The regular monthly mortgage payment will continue pending the sale, refinance or loan modification. <input type="checkbox"/></p> <p>Other information that may be important relating to the payment and length of plan: <input checked="" type="checkbox"/></p> <p>Debtors have just entered a trial loan program with M&amp;T Bank at \$3,395.73 starting November 1, 2018.</p>		<p>d. _____</p> <p>e. _____</p>	
<b>Part 1: Payment and Length of Plan</b>			

☐ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY

SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney RIL Initial Debtor: DRB Initial Co-Debtor LAB

LAB

NOTE: A modification under this section ALSO REQUIRES

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan including Interest Calculation
Toyota Financial Services	2010 Mercedes		13,479	0

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (in Plan)	Regular Monthly Payment (Outside Plan)

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (in Plan)	Regular Monthly Payment (Outside Plan)
M&T Bank	41 Highland Avenue	100,000.00		0	3,395.73

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

## Part 4: Secured Claims

Creditor	Type of Priority	Claim Amount	Amount to be Paid

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount. Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C. 1322(a)(4):

<b>Part 7: Motions</b> <input checked="" type="checkbox"/> NONE						
Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment		
<p>except the following, which are assumed:</p> <p>All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, non-residential real property leases in this Plan.)</p> <p>(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of</p>						
<b>Part 6: Executory Contracts and Unexpired Leases</b> <input checked="" type="checkbox"/> NONE						
Creditor	Basis for Separate Classification	Treatment	Pay before general unsecured claims	Amount to be Paid		
<p>Navient Co-debtor obligations \$202,029.05</p> <p>b. Separately classified unsecured claims shall be treated as follows:</p> <p><input checked="" type="checkbox"/> Pro Rata distribution from any remaining funds</p> <p><input type="checkbox"/> Not less than _____ percent</p> <p><input type="checkbox"/> Not less than \$ _____ to be distributed pro rata</p> <p>a. Not separately classified allowed non-priority unsecured claims shall be paid:</p>						
<b>Part 5: Unsecured Claims</b> <input type="checkbox"/> NONE						
Creditor	Collateral	Total Amount to be Paid through the Plan				
<p>g. Secured Claims to be Paid in Full Through the Plan <input checked="" type="checkbox"/> NONE</p> <p>Toyota Motor Credit Services on 2010 Mercedes is current and will be paid outside the Plan.</p> <p>The following secured claims are unaffected by the Plan:</p> <p>f. Secured Claims Unaffected by the Plan <input type="checkbox"/> NONE</p>						
Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt			
<p>e. Surrender <input checked="" type="checkbox"/> NONE</p> <p>Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C. 1301 be terminated in all respects. The Debtor surrenders the following collateral:</p>						
<p>2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.</p>						
<b>Part 4: The appropriate motion to be filed under Section 7 of the Plan.</b>						
Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate Be Paid

## 11/18 00.33

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal* and valuation must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☒ NONE  
The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ NONE  
The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification** ☒ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: May 3, 2018.

Explain below why the plan is being modified:

To adjust Trustee payment based on new increased adequate protection payment. Also remove NJ priority claim.	See 1(a)
--	----------

Explain below how the plan is being modified:

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☐ No

**Part 10: Non-Standard Provisions Requiring Separate Signatures**

Non-Standard Provisions Requiring Separate Signatures: ☒ NONE ☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

**Signatures**

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, Chapter 13 Plan and Motions, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: November 1, 2018

/s/ David R Borzotta

Debtor

/s/ Lisa A Borzotta

Joint Debtor

/s/ Ronald L. Levine

Attorney for the Debtor(s)

**Certificate of Notice Page 7 of 8**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 David R Borzotta  
 Lisa A Borzotta  
 Debtors

Case No. 18-14123-VFP  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 33

Date Rcvd: Nov 08, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 10, 2018.

db/jdb  
 cr +David R Borzotta, Lisa A Borzotta, 41 Highland Avenue, Midland Park, NJ 07432-1803  
 +M&T BANK, Phelan Hallinan & Schmieg, PC, 400 Fellowship Road, Suite 100,  
 Mt. Laurel, NJ 08054-3437  
 517364910 +Best Buy/ CBNA, POB 6497, Sioux Falls, SD 57117-6497  
 517419247 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701  
 517364911 +Cenlar Federal Savings & Loan, POB 77404, Trenton, NJ 08628-6404  
 517364912 +Chase, POB 78420, Phoenix, AZ 85062-8420  
 517364914 +Chase Card, POB 15298, Wilmington, DE 19850-5298  
 517364915 +Citicards/Citibank, POB 6241, Sioux Falls, SD 57117-6241  
 517364918 +M&T Bank, Attn: Phelan Hallinan Diamond & Jones PC, 400 Fellowship Road, Suite 100,  
 Mount Laurel, NJ 08054-3437  
 517364919 +Macys, POB 8218, Mason, OH 45040-8218  
 517439253 +NJ Division of Taxation, POB 257, Trenton, NJ 08646-0257  
 517364923 +TD Bank USA/Target Card, POB 673, Minneapolis, MN 55440-0673  
 517415359 +TD Bank, N.A., Payment Processing, PO Box 16029, Lewiston, ME 04243-9507  
 517448380 +TD Bank, N.A., c/o Schiller Knapp Lefkowitz Hertzell LLP, 30 Montgomery Street, Suite 1205,  
 Jersey City, NJ 07302-3835  
 517364927 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026  
 (address filed with court: Toyota Financial Services, POB 5855, Carol Stream, IL 60197)  
 517433306 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013  
 517364928 +United Collection Bureau, Inc, Attn: Chase Bank, N.A., POB 1418, Maumee, OH 43537-8418

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 smg E-mail/Text: usanj.njbankr@usdoj.gov Nov 08 2018 23:58:14 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreregion03.ne.ecf@usdoj.gov Nov 08 2018 23:58:10 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 cr +E-mail/PDF: gecsedirecoverycorp.com Nov 08 2018 23:54:23  
 Synchrony Bank, c/o PRA Recievables Management, LL, POB 41021, Norfolk, VA 23541-1021  
 517364916 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Nov 08 2018 23:57:53  
 Comenity Bank/Victoria Secret, POB 182789, Columbus, OH 43218-2789  
 517364917 +E-mail/Text: bnckohlsnotices@becket-lee.com Nov 08 2018 23:57:16 Khols Department Store,  
 POB 3115, Milwaukee, WI 53201-3115  
 517364920 +E-mail/PDF: pa\_dc\_claims@navient.com Nov 08 2018 23:54:30 Navient, POB 9500,  
 Wilkes Barre, PA 18773-9500  
 517523220 E-mail/PDF: pa\_dc\_claims@navient.com Nov 08 2018 23:54:31  
 Navient Solutions, LLC. on behalf of, Department of Education Loan Services, PO BOX 9635,  
 Wilkes-Barre, PA 18773-9635  
 517513444 E-mail/Text: bnc-quantum@quantum3group.com Nov 08 2018 23:58:01  
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788  
 517466748 E-mail/Text: bnc-quantum@quantum3group.com Nov 08 2018 23:58:01  
 Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788  
 517364922 +E-mail/PDF: gecsedirecoverycorp.com Nov 08 2018 23:55:20 SYNCB/ PC Richard, POB 965036,  
 Orlando, FL 32896-5036  
 517366709 +E-mail/PDF: gecsedirecoverycorp.com Nov 08 2018 23:54:23 Synchrony Bank,  
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 517364924 E-mail/Text: bankruptcy@td.com Nov 08 2018 23:58:18 TD Bank, N.A., POB 9547,  
 Portland, ME 04112  
 517524589 E-mail/Text: bankruptcy@td.com Nov 08 2018 23:58:18 TD Bank, N.A.,  
 c/o Schiller Knapp Lefkowitz Hertzell LLP, 70 Gray Road, Falmouth, ME 04105  
 517524685 +E-mail/Text: bncmail@w-legal.com Nov 08 2018 23:58:25 TD Bank USA, N.A.,  
 C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132  
 517364929 +E-mail/Text: vci.bkcy@vwcredit.com Nov 08 2018 23:58:24 VW Credit, Inc.,  
 1401 Franklin Blvd, Libertyville, IL 60048-4460  
 517483549 +E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Nov 09 2018 00:06:55 Verizon,  
 by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901

TOTAL: 16

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

517523941 M&T BANK  
 517364913\* +Chase, POB 78420, Phoenix, AZ 85062-8420  
 517364921\* +Navient, POB 9500, Wilkes Barre, PA 18773-9500  
 517364925\* ++TD BANKNORTH NA, 70 GRAY ROAD, FALMOUTH ME 04105-2299  
 (address filed with court: TD Bank, N.A., POB 9547, Portland, ME 04112)  
 517364926\* ++TD BANKNORTH NA, 70 GRAY ROAD, FALMOUTH ME 04105-2299  
 (address filed with court: TD Bank, N.A., POB 9547, Portland, ME 04112)

TOTALS: 1, \* 4, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0312-2

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 33

Date Rcvd: Nov 08, 2018

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Nov 10, 2018

Signature: /s/Joseph Speetjens

---

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 7, 2018 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Toyota Motor Credit Corporation  
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com  
Marie-Ann Greenberg magecf@magtrustee.com  
Nicholas V. Rogers on behalf of Creditor M&T BANK nj.bkecf@fedphe.com  
Rebecca Ann Solarz on behalf of Creditor Toyota Motor Credit Corporation  
rsolarz@kmlawgroup.com  
Richard James Tracy, III on behalf of Creditor TD Bank, N.A. rtracy@schillerknapp.com,  
tshariff@schillerknapp.com; kcollins@schillerknapp.com; ahight@schillerknapp.com; btate@schillerknapp.com  
Robert Wachtel on behalf of Joint Debtor Lisa A Borzotta rwachtel@ronlevinelaw.com,  
irr72645@notify.bestcase.com  
Robert Wachtel on behalf of Debtor David R Borzotta rwachtel@ronlevinelaw.com,  
irr72645@notify.bestcase.com  
Ronald I. LeVine on behalf of Debtor David R Borzotta ronlevinelawfirm@gmail.com,  
irr72645@notify.bestcase.com  
Ronald I. LeVine on behalf of Joint Debtor Lisa A Borzotta ronlevinelawfirm@gmail.com,  
irr72645@notify.bestcase.com  
Sherri Jennifer Smith on behalf of Creditor M&T BANK nj.bkecf@fedphe.com, nj.bkecf@fedphe.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov  
United States Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 12